IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE SEVENTEENTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE V.V.S.RAO

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\WRIT PETITION No.3328 of 2001

Between:

B.Bhushana Rao, S/o. Late Sreeramulu Naidu, Aged 37 years,
Hindu, Unemployee, R/o. Illispuram, Srikakulam.

..... PETITIONER

AND

1 The Commissioner and Director of School Education,

Government of Andhra Pradesh, Hyderabad.
2 The District Collector, Srikakulam.
3 The District Educational Officer, Srikakulam.
4 The Mandal Education Officer, Palakonda Mandal, Srikakulam.
5 The Chairman, School Committee,
Mandal Praja Parishad Elementary School, Chinamangalapuram,
Palakonda Mandal, Srikakulam District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ, Order or direction, particularly a Writ in the nature of Mandamus, declaring the action of the respondents in not relaxing the age limit so far as backward class candidates are concerned as illegal, arbitrary and unconstitutional and further direct the respondents to notify the age relaxation of the backward candidates are concerned.

Counsel for the Petitioner: MR.K.V.SUBRAHMANYA NARASU

Counsel for the Respondent Nos.1 to 5: GP FOR SCHOOL EDUCATION

The Court made the following:

ORDER:

The petitioner is a graduate in Bachelor of Education. When the Government introduced a scheme for appointing Vidya volunteers in 1998-1999, one of the eligibility criteria is that a candidate must not have completed the age of 35 years. The petitioner had completed that age and he contends that age relaxation is permitted by the Government in respect of candidates belonging to Scheduled Castes and Scheduled Tribes (SCs and STs) but the same is denied to the Backwad Class (BC) candidates like the petitioner. Therefore he filed the writ petition seeking a declaration that the action of the respondents in not relaxing the age limit in respect of BC candidates as illegal and unconstitutional.

It is now well settled that the candidates belonging to SCs and STs cannot be compared with the candidates belonging to BC either from the point of view of degree of backwardness or the economic criteria. If the Government having regard to various considerations relaxed the age criteria in respect of SC and ST candidates, the candidates belonging to BC cannot claim such facility of relaxation. The petitioner has no right to compel the respondents to relax age in his favour. The writ petition is misconceived and is accordingly dismissed.

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November 17, 2004. **V.V.S. RAO, J**

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To

1 The Commissioner and Director of School Education,

Government of Andhra Pradesh, Hyderabad.
2 The District Collector, Srikakulam.
3 The District Educational Officer, Srikakulam.

4 The Mandal Education Officer, Palakonda Mandal, Srikakulam.
5 The Chairman, School Committee,
Mandal Praja Parishad Elementary School, Chinamangalapuram,
Palakonda Mandal, Srikakulam District.

6 Two CCs to the Government Pleader for School Education,

High Court Buildings, Hyderabad (O.U.T)

7 Two C.D. Copies.